

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CASE NO.: 22-CV-119-TCK-JFJ

ASHLEY MYERS, individually and as
Co-Personal Representative of the
Estate of Lorri Gayle Tedder; and
COURTNEY VAUGHN, individually and
as Co-Personal Representative of the
Estate of Lorri Gayle Tedder,

Plaintiffs,

Vs.

BOARD OF COUNTY COMMISSIONERS
OF ROGERS COUNTY, ET AL.,

Defendants.

VIDEOTAPED
DEPOSITION OF:

KYLEE FOSTER

TAKEN BY:

The Plaintiffs

REPORTED BY:

Kathryn P. Marino
Registered Merit Reporter
Certified Legal Video Specialist
Certified Reporting Instructor
Certified Program Evaluator
Notary Public,
State of Florida at Large

VIDEOGRAPHER:

Donnie E. Medlin,
Certified Legal Video Specialist

DATE:

December 18, 2023

TIME:

8:55 a.m. - 2:15 p.m.

PLACE:

814 E. Silver Springs Blvd.,
Suite A
Ocala, Florida 34470

1 A No.

2 Q After receiving or passing your Boards, I
3 guess is -- is that the correct way to say it?

4 A Yes.

5 Q Okay, you get a license to be a -- is it a
6 license?

7 A Yes, LPN.

8 Q Okay. After that, take me through -- well,
9 let me ask, put it this way, this might cut to the
10 chase, was Turn Key your first job as an LPN?

11 A Yes.

12 Q Okay. Prior to becoming an LPN, tell me,
13 before becoming an LPN, what were you doing for a
14 living?

15 A I worked at St. John Owasso as an ER tech for
16 about 13 years.

17 Q As an ER tech, do you have to have -- is that
18 an on-the-job-type of training, or is there a
19 certificate or something you have to do for that?

20 A I had an AUA.

21 Q What is that?

22 A Authorized Unlicensed Assistant so you can do
23 a little more critical care. I don't remember what
24 year I took that. It was, like, a long time ago -- it
25 was prior to working at St. John's, so --

1 A Yes.

2 Q Okay. Now, during -- I take it from looking
3 at some of your records, it seems like you were -- I
4 think the hire date was around May of 2019?

5 A I believe so.

6 Q Okay. During that period of time -- and you
7 may not remember this so... I'm not harping, I'm just
8 wondering.

9 Do you recall who, kind of the chain of
10 command was at Turn Key?

11 A Usually they go through Dustin, I think is
12 his name. He was our first contact. And then if it
13 looks -- which he would always call Nicole anyhow, but
14 then if, you know, we needed --

15 Q Nicole Cobb?

16 A Yes. I couldn't remember her last name,
17 yeah --

18 Q Okay.

19 A -- and then we could contact her ourselves.

20 Q Okay. And then was -- was there ever any
21 need for you to contact somebody higher than Nicole
22 Cobb?

23 A No.

24 Q Okay. Do you know who William Cooper is?

25 A I don't remember that name.

1 gave me any training, okay.

2 Like I said, if it pertained to us and our
3 interaction with inmates or what's expected of us,
4 then yes, that was given to me.

5 As far as what they have in writing, like
6 verbatim, no.

7 BY MR. HAMMONS:

8 Q Okay. You weren't there just a terribly long
9 time, did you -- after your orientation and training,
10 did you receive further training, and what I'm talking
11 about is where they said, Hey, we got to go through
12 this type of training, like some type of training?

13 MR. WINTER: Form.

14 THE WITNESS: You would have to be specific
15 for me to --

16 BY MR. HAMMONS:

17 Q Anything. Like I'm trying to say --

18 A If it is anything like LPN-related, no,
19 because that's what I learned in school and I took the
20 test and the State Board gave me the license.

21 I can't think of anything that came up that
22 they had to come in and do extra training for.

23 Q Right. And all I was looking for was like,
24 August of 2019, they come in and say, Hey, we are going
25 to do training on this thing specific to jail inmate --

1 A Nothing that I recall.

2 Q Does that make sense?

3 A Yes.

4 Q I'm just trying to get an overview of the
5 training you received, either before working or while
6 at work, whatever it might be. Okay.

7 We are going to go back to -- we'll close
8 that one up, we'll do it like this.

9 Exhibit 1, I'll kind of just help you out
10 here. We are going to go to TK-208, is where we are
11 going to start. There's 208, and it'll be 209 and 210.
12 So we are going to look at 208 through 210.

13 A Okay.

14 Q Do you recall going through this Orientation
15 Training For Health Care Staff form with somebody?

16 A Yes.

17 Q Okay. And do you recall who you went through
18 that with?

19 A I worked with Dustin, I worked with Crystal,
20 I worked with -- I think her last name was Williams.
21 She is the -- she was with me the first few days.

22 Q Well, specifically, I'm talking about this
23 form. It looks like Proctor initials, it says DP.

24 Who would that be?

25 A That's Dustin.

1 A The day I signed it.

2 Q Okay. So the date of completion on this is
3 wrong?

4 MR. WINTER: Form.

5 THE WITNESS: Well, yes, I would agree with
6 that, I think. I mean, I would.

7 BY MR. HAMMONS:

8 Q So we don't know when you completed, say --

9 A Not on these specific dates on each one, no.

10 Q So when we went over this in October of 2019,
11 you just told Dustin, well, I completed policies and
12 procedures, emergency preparedness/response. I
13 completed it at some point and he said okay --

14 A No, everybody reported to him what training
15 they did with me.

16 Q And how would he remember that? Would that
17 be in your file?

18 A I don't know. I don't know how he keeps
19 records.

20 Q Well, this is the record that I received from
21 Turn Key from your file. This is how it seems that the
22 training -- orientation and training program was
23 completed on this day.

24 What you're telling me is that you completed
25 the orientation and training program before

1 you would do CPR.

2 Q What are the -- you said the roles, they give
3 you the roles.

4 Who gives you the roles?

5 A Whoever the command, I don't know who they'll
6 put in their command, but whoever is going to be the
7 command officer for a disaster, then they are the ones
8 whose ultimately in charge. This keeps everybody on
9 their own specific task, so that all runs as smoothly
10 as possible.

11 Q And would a Lorri Tedder situation fall into
12 an emergency situation?

13 MR. WINTER: Form.

14 THE WITNESS: Yes, I mean, you saw that gash;
15 that was an emergency situation.

16 BY MR. HAMMONS:

17 Q Okay. And while you said it, you're sparking
18 my interest. In that situation, who is in charge of
19 making decisions, medical decisions for Lorri Tedder at
20 that point?

21 A Who's in charge? Well, the medical care
22 would be me.

23 Q Okay. And what I'm getting at is, we are
24 talking about somebody that's in charge command, you
25 said, I think. Who is that at that time?

1 just slumped over, you know. Any time there is
2 anything like that.

3 Q What do you do?

4 A And anything we're worried about, we can call
5 the doctor on call, and we can say, Hey, this is what
6 is happening, how do you want us to proceed?

7 Q What do you do when you see an inmate who is
8 slumped over?

9 MR. WINTER: Form.

10 THE WITNESS: What would I do? I would go in
11 and I would check them and get their -- I would
12 have to get them to take me in there to get them
13 checked, get their vitals and try to get
14 information, but if they are not speaking, then
15 they can't give me a health history.

16 And if they are nonresponsive, then I'm going
17 to have them sent out.

18 BY MR. HAMMONS:

19 Q What else?

20 MR. WINTER: Form.

21 BY MR. HAMMONS:

22 Q What else would you do for somebody that's
23 unresponsive, slumped over, having no response, other
24 than have them sent out?

25 MR. WINTER: Same.

1 THE WITNESS: Check and see if they are
2 breathing or not.

3 BY MR. HAMMONS:

4 Q How do you do that?

5 A Check for a pulse.

6 Q Can you have a pulse and not be breathing?

7 A Your pulse wouldn't be regular. I mean it
8 could be -- no, you would still have some breaths and
9 have a pulse.

10 Q I said can you have a pulse and not be
11 breathing?

12 MR. WINTER: Same.

13 THE WITNESS: No.

14 BY MR. HAMMONS:

15 Q Like I could hold my breath for two minutes
16 right now. I would not be breathing and I would still
17 be alive. Fair?

18 A Okay, fair.

19 Q So I could be unconscious and have just
20 stopped --

21 A But you could see in --

22 Q I could be unconscious and have just stopped
23 breathing and still have a pulse for some period of
24 time. True?

25 A Possibly.

1 Or do you say nothing? What is your process when you
2 are there?

3 MR. WINTER: Form.

4 THE WITNESS: To let them do it. Let them
5 secure the scene.

6 BY MR. HAMMONS:

7 Q Okay.

8 A And try not to make the scene more unsafe or
9 cause more problems.

10 Q So in Lorri Tedder's situation, we'll go
11 through it obviously, but once she is handcuffed, hands
12 behind her back, her legs are shackled, she's not
13 moving, she's laying on the floor saying nothing, at
14 that point in time, is there any time there that you
15 felt like you should step in and check on her?

16 MR. WINTER: Same.

17 THE WITNESS: I just knew they were not going
18 to let me get to her until they put her in that
19 cell, so...

20 BY MR. HAMMONS:

21 Q What I'm asking is, is it your training to
22 step in and try --

23 A Well, I would have liked to have checked her
24 before they got her into the cell. But...

25 Q But you didn't?

1 Q You --

2 MR. WINTER: Is that a double negative?

3 BY MR. HAMMONS:

4 Q Just to clear for the record, I asked a bad
5 question and you answered it, I think, the way it's
6 supposed to be answered, but let me just ask it a
7 different way.

8 We were talking about whether or not you
9 asked to check on Lorri. I believe your answer was no;
10 is that fair?

11 A Correct.

12 Q Then I said: And you don't know what the
13 officers, the detention officers' response would have
14 been. That's correct, right? You don't know what
15 their reaction would have been, correct?

16 A Correct.

17 Q Okay. In your experience or training, based
18 on your training and experience, is there any issues
19 that could happen when you have an overweight inmate
20 who is struggling and having this physical exertion
21 with jail staff?

22 MR. WINTER: Same.

23 THE WITNESS: Okay. Go ahead and repeat it
24 again.

25 //

1 EMS.

2 Q Yeah, I'm just asking what you were trained
3 to do at Rogers County when you find an unconscious
4 inmate, that's all.

5 MR. WINTER: Form.

6 THE WITNESS: Check if they are breathing and
7 check if they have a pulse.

8 BY MR. HAMMONS:

9 Q Okay. And if they're not breathing and have
10 no pulse, what does your training tell you to do?

11 A CPR.

12 Q What are -- based on your training and
13 experience, what are the signs that somebody might have
14 had a cardiac arrest?

15 A They are not breathing any more, they don't
16 have a pulse.

17 Q Anything else?

18 A Nope.

19 Q Is there, based on your training and
20 experience, is there any medical reason someone might
21 urinate themselves?

22 MR. WINTER: Form.

23 THE WITNESS: She could have stress
24 incontinence, she could have been in fight or
25 flight mode. She could have, you know, problems

1 with her bladder that we are not aware of. You
2 know, maybe even just the pressure. I don't know
3 how long was the last time they let her go potty.

4 BY MR. HAMMONS:

5 Q Anything else that can be an indication of?

6 A Certain injuries maybe, is possible.

7 Q Like what?

8 A Just like if they had a severe head injury
9 maybe, or, you know, maybe -- I would say maybe
10 cardiac, but that would be only if they weren't moving
11 anymore and that would have been awhile. It wouldn't
12 just happen right away.

13 Q Okay. What about if they're being
14 suffocated?

15 MR. WINTER: Form.

16 THE WITNESS: Would that make them pee?

17 BY MR. HAMMONS:

18 Q Yes.

19 A Possibly.

20 Q I'm sorry, I thought you might be saying
21 something else. You are good on that one?

22 Okay. Specific, do you have any training on
23 the risks of an inmate being in the prone position and
24 restrained?

25 A Any specific training on that? No.

1 Q Do you know anything about the prone position
2 and restraints?

3 A No.

4 Q Have you heard or seen anything that would
5 indicate any dangers of the prone position and being
6 restrained in it?

7 A Have I personally seen anything? No.

8 Q And you have no training given to you prior
9 to going in and working at a jail facility, true?

10 A On the prone position with restraints? No --

11 Q Right.

12 A -- no, we didn't.

13 Q And when I say prone position, do you know
14 what I'm talking about?

15 A Face down.

16 Q Right.

17 Just based on your medical training, do you
18 see any problems with an inmate being in the prone
19 position and someone being on their back or neck area?

20 MR. WINTER: Form.

21 THE WITNESS: If they don't do it correctly
22 like they are trained, I could see it being a
23 problem. But I don't know what is correct and not
24 correct as far as the pressure and how long because
25 I was never trained in those things.

1 MR. WINTER: Same.

2 THE WITNESS: If I thought it was a medical
3 emergency, I would.

4 BY MR. HAMMONS:

5 Q I think I already asked you this. Well,
6 let's go to 281, it is Number 2 on that sheet:

7 If medical personnel note improper use of
8 restraints by security personnel that is jeopardizing
9 the health of an inmate, they shall communicate their
10 concerns to their supervisor, who shall communicate the
11 concern to the appropriate security personnel as soon
12 as possible.

13 My question is: What is improper use of a
14 restraint under this policy and procedure?

15 MR. WINTER: Form.

16 THE WITNESS: I don't know what is proper and
17 improper with their restraints. I can only -- if I
18 see something specific, say something. As far as
19 like I'm not going stop while that is going on and
20 call my supervisor and say, Hey, I think it's
21 wrong. I think they're doing it wrong, you know,
22 because I needed to be as close to her as possible
23 so I could check her as soon as I'm able to.

24 BY MR. HAMMONS:

25 Q This is just what the policy says, and I was

1 asking, how it is, as a medical personnel, that you
2 note improper use of restraint, if you don't know the
3 improper use of the restraint. It would be hard to
4 follow this procedure --

5 A Right. The only thing --

6 MR. WINTER: Form.

7 THE WITNESS: -- I would know if they, like
8 when I would check them with handcuffs on for, you
9 know, circulation. But as far as all of the other
10 stuff, I do not know.

11 BY MR. HAMMONS:

12 Q Okay.

13 MR. HAMMONS: I need to take a break to go to
14 the restroom.

15 MR. WINTER: Certainly.

16 THE VIDEOGRAPHER: Off of the video record.

17 Time: 11:51.

18 (Whereupon, a short recess was held at 11:51
19 a.m. and the deposition resumed at 12:05 p.m.)

20 THE VIDEOGRAPHER: Back on the record.

21 Time: 12:05.

22 BY MR. HAMMONS:

23 Q All right. Ready to proceed, Ms. Foster?

24 A (Witness moves head up and down.)

25 Q Okay. I'm just going to briefly go over --

1 Q Okay. Top of the page, it says, Lorri
2 Tedder. It's dated November 7th, 2019. That is the
3 day that this incident happened, true?

4 A Yep.

5 Q It says SPAR, became non-compliant -- I don't
6 know what that thing is? Is that and?

7 A With.

8 Q With wearing clothes. Officers entered cell.
9 Placed in wrist restraints. Placed in SPAR. Checked
10 for proper circulation.

11 I/M, is that inmate?

12 A Yes.

13 Q Inmate calm, exhibits zero distress. Spoke
14 with inmate about contacting family to come get her.
15 She is cooperative with my questions. Info related to
16 officers.

17 Inmate erratically shaking her head and
18 saying she is Queen of the World.

19 Inmate calm at this time. She asked if she
20 can have handcuffs removed. Told I would ask officers.
21 Request relayed to officers.

22 Inmate is calm. I asked inmate to put -- I
23 asked inmate to put feet on mat to elevate them to help
24 with rubbing of ankle restraints. She states, No, I am
25 fine.

1 We are going to -- this is Exhibit 3, RCSO
2 291, we are going to start it at 334. I just fast
3 forwarded it a little bit into kind of the fight,
4 so-to-speak.

5 Okay. Here we go.

6 (Whereupon, Plaintiffs' Exhibit No. 3 (RCSO
7 291, video clip) was marked for identification.)

8 (Video played.)

9 BY MR. HAMMONS:

10 Q Now, in the background, there, at the top
11 kind of left part of the screen, that is the medical
12 office?

13 A Yes.

14 Q And you can't see yourself there, but tan
15 scrubs, would that be you?

16 A Yes.

17 Q Okay. And you for standing some distance
18 away observing Lorri Tedder's interaction with these
19 jailers, true?

20 A True.

21 Q And at this point she is struggling and
22 yelling, true?

23 A True.

24 Q Okay.

25 Here we go.

1 BY MR. HAMMONS:

2 Q Real fast here, she is handcuffed behind her
3 back, you saw that, true?

4 A True.

5 Q And then -- and I'm asking if you ever saw
6 this, when they had her picked up, her arms went
7 forward right there and her handcuffs are in the front,
8 have you ever seen somebody's arms go to the front like
9 that?

10 A No.

11 Q Does the shoulder move that way?

12 MR. WINTER: Form.

13 BY MR. HAMMONS:

14 Q Or supposed to move that way?

15 A I don't -- can we rewind? Does it show it or
16 just shows it in the back and then in the front --
17 like...

18 (Video played.)

19 BY MR. HAMMONS:

20 Q And I saw you briefly in the background,
21 you're still watching this situation unfold, true?

22 A (Witness moves head up and down.)

23 Q True?

24 A Yes.

25 (Video played.)

1 BY MR. HAMMONS:

2 Q Okay. I'll ask you some questions about what
3 we have seen.

4 At this point, you would agree Lorri Tedder
5 is no longer fighting, true?

6 MR. WINTER: Form.

7 THE WITNESS: No, she is not fighting at that
8 moment.

9 BY MR. HAMMONS:

10 Q And she is no longer yelling, and hasn't been
11 yelling for several minutes, true?

12 MR. WINTER: Same.

13 THE WITNESS: True.

14 BY MR. HAMMONS:

15 Q And she is no longer kicking?

16 A No, she is not kicking.

17 Q One of the jailers at this point asked if she
18 is still breathing, true?

19 A Yes.

20 Q And you are in the process of cleaning up the
21 urine where Lorri Tedder has urinated, true?

22 A True.

23 Q You were standing there when they called out
24 Lorri's name and she didn't respond, true?

25 A True.

1 Q And then did you see the -- were you able to
2 see the officer try to get a pulse back towards the
3 side, back of her neck?

4 A On the video, yes.

5 Q But at the time, you didn't see that?

6 A I don't recall it if I did, no.

7 Q Okay. As you sit here as a trained medical
8 professional, is that a good place where he reached
9 down there to try to figure out if she's breathing by
10 touching the back of her neck?

11 A Well, it looked like he readjusted his hand
12 to get down on the carotid.

13 Q And then he says she has -- said she is
14 breathing?

15 A A pulse -- Oh, she's breathing.

16 Q Isn't he checking for a pulse there?

17 A Yes.

18 Q Okay. And we already established there's a
19 difference between breathing and a pulse, true?

20 A True.

21 Q So when you are checking for a pulse, you are
22 checking for a pulse, not breathing, true?

23 MR. WINTER: Form.

24 THE WITNESS: True.

25 //

1 towels her, and are staring at Lorri.

2 What was your impression of Lorri Tedder
3 right then?

4 MR. WINTER: Form.

5 THE WITNESS: I can't recall what I was
6 thinking. I know that I was just -- wanted to
7 check her, but I'm going to need to check her and
8 provide medical care, you know, but I can't fight
9 with them, and have something go wrong, bruising or
10 whatever.

11 But as far as what I was actually thinking, I
12 can't tell you.

13 BY MR. HAMMONS:

14 Q Well, you said something about you thought
15 you were going to need to check her, right?

16 A Yes, I need them to get finished with what
17 they're doing.

18 Q Okay. Let's watch this a little bit more.
19 (Video played.)

20 BY MR. HAMMONS:

21 Q Now, in this portion of the video, you would
22 agree with me that Lorri Tedder is now just slumped
23 over and is just dead weight at this point?

24 MR. WINTER: Form.

25 THE WITNESS: Yes.

1 Q She was screaming and out of breath earlier
2 and now she is silent, true?

3 MR. WINTER: Object to form. The whole video
4 is silent.

5 THE WITNESS: True.

6 BY MR. HAMMONS:

7 Q I can go back to the other video here and we
8 can sit here, do you believe she was saying a word at
9 this point?

10 A I do not.

11 Q Okay. And right here, we are stopped at 654.
12 I should have been better at that on 293.

13 Here, I see you putting on gloves. Why?

14 A Because as soon as they have her secure, I
15 want to get in there and check her.

16 Q And what are you going to check right at this
17 point?

18 A Right at this point? I'm not going to check
19 anything. I'm waiting for them to go ahead and get her
20 into the cell.

21 Q Have you formed any kind of thought of what
22 you want to check?

23 A Yes.

24 Q What?

25 A I want to see if she is conscious and if she

1 is okay.

2 Q Conscious or breathing?

3 A Conscious, breathing. I mean, you know,
4 just -- I wanted to triage her.

5 Q But specifically, do you have a feeling at
6 this point that maybe she is unconscious?

7 MR. WINTER: Form.

8 THE WITNESS: I don't know what I was
9 thinking at that moment.

10 BY MR. HAMMONS:

11 Q Now, in a situation like this, what would --
12 how do you go ahead about triaging an inmate like this,
13 what is the process?

14 A Once she is in there, I'm going to look to
15 see if she has -- check to see if she has a pulse and
16 if she is breathing.

17 Q And how do you do that?

18 A How do I check the pulse?

19 Q Yeah. How do you --

20 A It just depends on where I want to check it
21 at. I mean, you can do carotid, you could do radial,
22 you could do pedal.

23 Q Okay. How do you check if she is breathing?

24 A You can see it or hear it.

25 Q Any other ways?

1 MR. WINTER: Form.

2 BY MR. HAMMONS:

3 Q If you don't see it or hear it?

4 A I mean, if I don't see it or hear it --

5 Q Yes.

6 A I can get a stethoscope and come back and
7 listen.

8 Q Okay.

9 A And see if the lungs are expanding or not.

10 Q How did you go about checking to see if
11 somebody is conscious?

12 A Shaking them, calling out their name.

13 Q You do that sternum rub on them to make sure
14 they wake up?

15 A You can do a sternum rub on them, yeah.

16 Q A lot of people do that, true?

17 MR. WINTER: Form.

18 THE WITNESS: Not a lot of people do it, no.

19 BY MR. HAMMONS:

20 Q In situations -- again, we are just talking
21 about your basic training and experience right now, in
22 this situations where you find a patient who has had a
23 head injury, eyes are fixed and dilated, they have no
24 pulse and aren't breathing, how important is starting
25 CPR?

1 A You want to always start CPR as soon as you
2 can.

3 Q Well, isn't it important to start it quickly?

4 A As soon as you are able to, yes.

5 Q It is an urgent thing. Minutes matter in
6 CPR, true?

7 MR. WINTER: Form.

8 THE WITNESS: I suppose so.

9 BY MR. HAMMONS:

10 Q Well, if you --

11 A To me, you just want to do it as soon as you
12 know, you want to start it. That's all I'm going to
13 say, that's how I'm going to answer that or whatever.

14 Q Well, based on your training and experience,
15 you know that if you go without oxygen to your brain
16 for minutes, it can cause damage, true?

17 MR. WINTER: Same.

18 THE WITNESS: It can.

19 BY MR. HAMMONS:

20 Q It can cause death, true?

21 MR. WINTER: Same.

22 THE WITNESS: It can.

23 BY MR. HAMMONS:

24 Q And part of getting oxygen to your brain is
25 not only breathing, but your heart beating, true?

1 imitate it.

2 Q You saw her breathing in through her mouth?

3 A I saw her chest rise and I could hear it. It
4 was just very shallow and uneven.

5 Q As Lorri was slumped over with a suicide
6 smock on, you could see the rise and fall of her chest,
7 true?

8 MR. WINTER: Form.

9 THE WITNESS: When she was slumped over out
10 there, no. I am talking about when she's in the
11 cell.

12 BY MR. HAMMONS:

13 Q Yeah, she's literally slumped over just like
14 this with a suicide smock on and you can see the rise
15 and fall of her chest at that point?

16 True?

17 A Yes, she had shallow respirations.

18 Q And we stopped this one at 1440 when you
19 walked out the cell.

20 When you walked out the cell, you were going
21 to do what?

22 A Go get the stuff for the wound and the vital
23 sign machine so I can get vitals on her.

24 Q What vital signs are you needing from her?

25 A I'm going to check to see if there's a blood

1 pressure. I'm going to check and see if anything is
2 getting picked up on the pulse Ox. Temperature.

3 Q Do you believe that this is an emergency
4 situation?

5 A Yes.

6 Q And do you move with urgency from -- are you
7 moving with urgency?

8 MR. WINTER: Form.

9 THE WITNESS: I don't know.

10 BY MR. HAMMONS:

11 Q Now, did do know who -- I can't remember his
12 first name, Zanenbergen is -- Zanbergen?

13 A Vanbergen?

14 Q Zanbergen is his last name. Do you know who
15 that is?

16 A Huh-uh.

17 Q Shawn Zanbergen.

18 A I don't know who Shawn is.

19 Q Okay. He is a lead detention officer during
20 this. And during his deposition I asked him about when
21 they pulled the spit mask off, and he said Lorri's eyes
22 were glossed over and she was unconscious at that
23 point.

24 Do you agree with his observations?

25 MR. WINTER: Form.

1 THE WITNESS: I didn't see her eyes at that
2 point.

3 BY MR. HAMMONS:

4 Q What would her eyes tell you if you had
5 looked at them?

6 MR. WINTER: Form.

7 THE WITNESS: What findings I had, or just
8 findings in general?

9 BY MR. HAMMONS:

10 Q Well, when somebody is -- their eyes are
11 fixed and dilated and they're unconscious, what does
12 that tell you?

13 A That they are dying.

14 Q It's an emergency and --

15 A Yes, it is an emergency.

16 Q And CPR needs to be started within seconds,
17 doesn't it?

18 MR. WINTER: Form.

19 THE WITNESS: But I didn't believe at that
20 moment -- I did not believe she was not breathing,
21 yet.

22 BY MR. HAMMONS:

23 Q Somebody -- I'm just asking if CPR should be
24 started in that situation within seconds, true?

25 MR. WINTER: Same.

1 THE WITNESS: As soon as possible, yes.

2 BY MR. HAMMONS:

3 Q In seconds, is what it needs, right?

4 MR. WINTER: Form.

5 She has answered the question.

6 THE WITNESS: Immediately.

7 BY MR. HAMMONS:

8 Q Yeah.

9 Do you know who Daniel Ellenberg is?

10 A Yes.

11 Q Daniel said that when he saw the gash or cut
12 on her head, he thought she was unresponsive and needed
13 immediate medical attention.

14 Do you agree with him?

15 MR. WINTER: Same.

16 THE WITNESS: Yes. We all knew she needed
17 immediate attention or whatever.

18 BY MR. HAMMONS:

19 Q Now, in this situation, did you -- I can't
20 remember what you just said, did you suspect at this
21 point she was at least unconscious?

22 MR. WINTER: Form.

23 THE WITNESS: The patient? Yes.

24 BY MR. HAMMONS:

25 Q Yes, Lorri Tedder.

1 record is clear, I was not coaching the witness, I
2 was responding to your request about my objection.

3 Please continue on.

4 BY MR. HAMMONS:

5 Q I don't want to know if it would've made a
6 difference, I don't know that you are qualified to say
7 that.

8 What I want to know is, based on your
9 training and experience, does two and a half minutes
10 matter in CPR?

11 MR. WINTER: Form.

12 BY MR. HAMMONS:

13 Q I don't know if it would have saved her or
14 not. I don't know that either. I'm just asking,
15 logically speaking, does two-and-half minutes matter?

16 MR. WINTER: Same.

17 THE WITNESS: Logically speaking, you want to
18 start CPR the minute you know they need it.

19 BY MR. HAMMONS:

20 Q The second you know, true?

21 MR. WINTER: Same.

22 THE WITNESS: The second.

23 BY MR. HAMMONS:

24 Q Now, when Lorri Tedder -- when CPR was
25 started on Lorri Tedder, her hands were cuffed behind

1 294, video clip) was marked for identification.)

2 MR. HAMMONS: Said I'm starting at 58. How
3 about we start it right there at 57.

4 (Video played.)

5 BY MR. HAMMONS:

6 Q I stopped it at 202.

7 So in this -- this is the video inside of the
8 cell. Gives us a little bit of a different angle on
9 it.

10 At the point that you walk out, your
11 evaluation, I'll call it, of Lorri Tedder is that she
12 has shallow breathing, and is she or is she not
13 unconscious at this point?

14 A Yes, she is unconscious.

15 Q Okay. The way that the jailers have her bent
16 over, would that be good for her shallow breathing?

17 MR. WINTER: Form.

18 THE WITNESS: Probably not.

19 BY MR. HAMMONS:

20 Q Okay. And we will get through this quickly,
21 just want the time stamp, you entered around 58 seconds
22 in, left at 202.

23 And in that time period while we were in the
24 cell, we checked her wrist, whether that was a checking
25 the cuffs or a pulse, we don't recall, true?

1 emergent, true?

2 MR. WINTER: Form.

3 THE WITNESS: When I saw the gash, yes.

4 BY MR. HAMMONS:

5 Q True?

6 A True.

7 Q Okay. At that point you knew she had shallow
8 breath, a gash on her head, and that she had urinated
9 on the floor, and she had a loss of consciousness at
10 that point, true?

11 MR. WINTER: Same.

12 THE WITNESS: True.

13 BY MR. HAMMONS:

14 Q Okay. We watched it in excruciating detail,
15 I understand you were in there for about a minute and
16 then left to go get devices and things, that took
17 another couple of minutes.

18 You came back in. Had to do the flashlight,
19 those things. So three to four minutes before CPR was
20 started from the time that you were aware of a serious
21 medical condition until CPR was started, was about
22 three or four minutes, true?

23 MR. WINTER: Form.

24 THE WITNESS: I'll go with yours because I
25 didn't do the timing on it, so.